

City of Springfield  
Regular Meeting

MINUTES OF THE REGULAR MEETING OF  
THE SPRINGFIELD CITY COUNCIL HELD  
MONDAY SEPTEMBER 26, 2005

The City of Springfield council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, September 26, 2005, at 7:40 p.m., with Council President Woodrow presiding.

ATTENDANCE

Present were Councilors Woodrow, Ballew, Fitch, Ralston, Lundberg, and Pishioneri. Also present were Assistant City Manager Cynthia Pappas, City Attorney Joe Leahy, City Recorder Amy Sowa and members of the staff.

Mayor Leiken was absent (excused).

BUSINESS FROM THE CITY MANAGER

1. Final Decision by City Council Regarding an Appeal of the Planning Commission's Approval of a Soup Kitchen and its Associated Services at the American Legion Post #40. Case Number ZON2005-00036.

City Planner Kitti Gale presented the staff report on this item. On September 19, 2005 the City Council tentatively approved two motions denying a soup kitchen and its associated services as a non-conforming use and as a new discretionary use at the American Legion Hall Post #40 at 344 8<sup>th</sup> Street. The council requested that the staff prepare findings for council consideration and possible adoption at the September 26, 2005 City Council Special Session.

Attachment A contains background information and draft findings of fact in support of the City Council's September 19, 2005 motions passed by the council following the public hearing on this contested case appeal. Two motions were passed. The first motion was to tentatively deny the soup kitchen as a grandfathered use under Springfield Development Code Article 5 based upon the absence of evidence in the record that this type of activity has historically occurred at the site. The second motion was to tentatively deny the soup kitchen and its associated uses as a new discretionary use based on the absence of evidence in the record that the proposal is consistent with the criteria of approval at Section 10.030 of the Springfield Development Code. Both motions included direction that staff return with proposed findings supporting the two tentative decisions.

The council's Springfield Development Code fee schedule contains a note calling for the refund of appeals filing fees, "for all appeals" in cases when appellants prevail. Upon adoption of the attached final order the Development Services Department will issue the appellant a refund of the appeal filing fees (unless the order is appealed to the Land Use Board of Appeals).

Ms. Gale noted a correction on page 6 of Attachment A. She said the first sentence of the FINAL CONCLUSION should read, "Based on the evidence and testimony presented in the whole record, and on the findings and conclusions presented above, the July 12, 2005 decision of the **Planning Commission** to approve a soup kitchen at the subject site is hereby REVERSED

because a soup kitchen is not allowed at the subject site pursuant to the Springfield Development Code.”

Ms. Gale also noted a letter that was received last week, prior to September 19, but had been routed to another location. She had just received the letter today. It was a letter commending GOREAP for their services. Ms. Gale entered the letter into the record and distributed copies to the council.

Councilor Ballew recused herself from this item due to a prior bias.

Councilor Fitch thanked staff for the documents from last week allowing her time to review the previous documentation and current findings. She said staff had done a good job in putting together the information.

Ms. Gale said she had help from other staff members as well.

Councilor Lundberg said she would like to make some recommendations for findings based on the evidence in the record. She said she had two points, which she read.

1. The building has not typically been used historically for public events – that is the events held there have been by invitation rather than “open to all comers”.
2. Although it has been used sporadically over 50 years for different purposes which may also not be permitted or grandfathered uses, those uses have neither been consistent with the operation of a public soup kitchen nor are they at issue in this appeal other than whether such uses are consistent with that of a public soup kitchen.

Councilor Lundberg asked that the two points listed above be included as part of the findings.

Mr. Leahy said that if there was an affirmative motion, he would recommend that those be added to the findings and be provided to the City Recorder for approval.

Councilor Fitch asked if those would be added as findings #16 and #17. That was correct. She said the soup kitchen was a very worthwhile endeavor, but after reading the information from last week and the findings this week, she did not feel that it met the standards or the allowable use within that facility. She agreed with the findings and the tentative decision made last week.

Councilor Woodrow said the council were all in agreement that the soup kitchen had done a lot of good, but in accordance with the findings, it was not the right location.

Councilor Lundberg asked if a separate motion needed to be made to accept the two additional findings.

Mr. Leahy stated that the motion could be to approve including recommended findings #16 and #17.

IT WAS MOVED BY COUNCILOR FITCH WITH A SECOND BY COUNCILORS LUNDBERG AND RALSTON TO ADOPT THE FINDINGS AND THE FINAL ORDER TO REVERSE THE PLANNING COMMISSION’S JULY 12, 2005 DECISION TO ALLOW THE SOUP KITCHEN AT THE AMERICAN LEGION PROPERTY AT 344 8<sup>TH</sup> STREET AND

INCLUDE FINDINGS #16 AND #17 AS READ BY COUNCILOR LUNDBERG. THE MOTION PASSED WITH A VOTE OF 5 FOR AND 0 AGAINST. (COUNCILOR BALLEW DID NOT PARTICIPATE)

BUSINESS FROM THE CITY ATTORNEY

ADJOURNMENT

The meeting was adjourned at 7:49 p.m.

Minutes Recorder Amy Sowa

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Sidney W. Leiken  
Mayor

Attest:

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City Recorder